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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JONATHAN CORRELL, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC., and DOES 1-10,

Defendant.

Case No. 3:21-cv-01833-BTM-MDD

**PLAINTIFF’S OPPOSITION TO  
DEFENDANT’S MOTION TO  
DISMISS COMPLAINT  
PURSUANT TO FEDERAL RULES  
OF CIVIL PROCEDURE 12(b)(1)  
and 12(b)(6).**

Hearing Date: June 3, 2022

Time: 11:00 a.m.

Judge: Hon. Barry Ted Moskowitz

Courtroom: 15B

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    A. PLAINTIFF HAS STANDING UNDER ARTICLE III OF THE U.S. CONSTITUTION BECAUSE PLAINTIFF HAS INDEED SUFFERED AN INJURY IN FACT, CONSISTENT WITH THE NINTH CIRCUIT’S ON-POINT RULING IN *WHITE I* ABOUT A SIMILARLY-SITUATED PLAINTIFF ALLEGING AN UNRUH ACT CLAIM AGAINST AN ONLINE BUSINESS AFTER VISITING THE WEBSITE AND ENCOUNTERING DISCRIMINATORY TERMS OR CONDITIONS, THEN LEAVING THE WEBSITE WITHOUT SUBSCRIBING TO THE BUSINESS’S SERVICES.....7

    B. PLAINTIFF HAS STANDING TO SUE UNDER CALIFORNIA’S UNRUH CIVIL RIGHTS ACT AND CIVIL CODE SECTION 51.5 PURSUANT TO THE CALIFORNIA SUPREME COURT’S ON-POINT RULING IN *WHITE II*, BECAUSE THE COMPLAINT ALLEGES PLAINTIFF VISITED AMAZON’S WEBSITE WITH THE INTENT TO USE AMAZON’S SERVICES AND ENCOUNTERED TERMS OR CONDITIONS THAT EXCLUDED PLAINTIFF FROM FULL AND EQUAL ACCESS TO AMAZON’S SERVICES.....10

    C. PLAINTIFF STATED A CLAIM UNDER THE UNRUH ACT AND CIVIL CODE SECTION 51.5 BECAUSE:

        (1) MR. CORRELL HAS ALLEGED FACTS THAT AMAZON’S DISCRIMINATORY SERVICES ARE ARBITRARY, UNREASONABLE, AND INVIDIOUS.....12

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(2) THERE ARE NO STATE OR FEDERAL STATUTORY OR LEGISLATIVE ENACTMENTS EVIDENCING A STRONG PUBLIC POLICY IN FAVOR OF A BUSINESS CATEGORICALLY DENYING ITS SERVICES TO AN INDIVIDUAL OR ANOTHER BUSINESS BASED ON THE INDIVIDUAL OR OTHER BUSINESS’S OWNER’S RACE, SEX, OR SEXUAL ORIENTATION.....14

(3) THERE ARE MANY STATUTORY AND LEGISLATIVE ENACTMENTS EVIDENCING A STRONG PUBLIC POLICY AGAINST DISCRIMINATING BASED ON RACE, SEX, AND SEXUAL ORIENTATION, AS WELL A WEALTH OF FEDERAL AND CALIFORNIA CASE LAW REINFORCING THE COMPELLING PUBLIC POLICIES EMBODIED IN ANTIDISCRIMINATION LAWS.....18

(4) THERE IS NO EVIDENCE IN THE COMPLAINT, OR ANY THAT HAS BEEN JUDICIALLY NOTICED, THAT AMAZON’S RACE, SEX, AND SEXUAL ORIENTATION-BASED SERVICES “FOSTER” DIVERSITY; ON THE CONTRARY, THESE EXCLUSIVE SERVICES ACTUALLY DISCOURAGE AND HINDER DIVERSITY BY DISCRIMINATING AGAINST MANY OF THE GROUPS AMAZON OSTENSIBLY FAVORS.....24

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